

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NEW YORK

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BLACK LOVE RESISTS IN THE RUST, et al.,

Plaintiffs,

Case No. 1:18-cv-719

- vs -

CITY OF BUFFALO, N.Y., et al.,

Defendants.

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NOTICE OF MOTION AND MOTION TO MODIFY SCHEDULING ORDER

Plaintiffs hereby respectfully move for an extension of six months to all deadlines presently set by the Court's scheduling order. (*See* Jun. 5, 2019 Minute Order). In support of this Motion, Plaintiffs state:

1. Under the present schedule, the deadline for filing motions to amend the pleadings or add parties is November 14, 2019, and the deadline for completion of fact discovery and any accompanying motions to compel is December 13, 2019. The Court has set additional deadlines for completion of all expert discovery by March 26, 2020, with initial reports to be filed by January 31, 2020, rebuttal reports to be filed by March 2, 2020, and all expert depositions to be completed by March 26, 2020. The deadline for filing dispositive motions is April 30, 2020. *See* Jun. 5, 2019 Minute Order granting Plaintiffs' Consent Motion to Modify Scheduling Order (ECF No. 28).
2. Since the Court and Parties last convened for a May 30, 2019 status conference, the Parties have encountered several ongoing discovery disputes and Plaintiffs have filed two motions to compel that remain pending. (ECF Nos. 34 & 42). The discovery at issue in these motions, as well as other discovery sought from Defendants that has not

yet been produced, is materially relevant to Plaintiffs' ability to amend their complaint, add additional parties, and move for class certification.

3. The Parties are further engaged in ongoing discovery discussions and document production. Plaintiffs anticipate that they will serve additional requests for discovery and depose Defendants and other personnel of the City of Buffalo and its agencies before the close of the discovery period. Defendants have not yet taken any discovery.
4. Accordingly, Plaintiffs respectfully request the following modifications of the schedule:

| Deadlines | Current Date | Modified Date |
|--|---------------------|----------------------|
| Deadline for filing motions to amend the pleadings or add parties | November 14, 2019 | May 14, 2020 |
| Deadline for completion of fact discovery | December 13, 2019 | June 12, 2020 |
| Deadline for motions to compel discovery | December 13, 2019 | June 12, 2020 |
| Deadline for service of Initial Expert Reports | January 31, 2020 | July 31, 2020 |
| Deadline for service of Rebuttal Expert Reports | March 2, 2020 | September 2, 2020 |
| Deadline for completion of all expert discovery (incl. expert depositions) | March 26, 2020 | September 25, 2020 |
| Deadline for Dispositive Motions | April 30, 2020 | October 30, 2020 |

5. Plaintiffs have requested Defendants' consent to the relief sought by this motion, but Defendants' counsel did not respond to this request.
6. Extending the discovery schedule will permit the parties sufficient time to complete discovery, thereby increasing the likelihood that they may narrow the issues in dispute. Accordingly, good cause exists to justify Plaintiffs' request to extend each deadline in the current schedule by six months.

WHEREFORE, Plaintiffs respectfully request that the Court modify the schedule in accordance with Plaintiffs' proposal.

Dated: November 5, 2019

Respectfully submitted,

/s/ Keisha A. Williams

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* *Application for admission forthcoming.*